

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON MONDAY, FEBRUARY 6, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:32 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Ms. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Schmidt moved to approve the minutes from the Common Council meeting of January 19, 2006, Mr. Price second, all voted in favor.

Mr. Schmidt moved to move the CF-1 approvals forward on the agenda, Mr. Coffey second, all voted in favor.

APPROVAL OF CF-1 FORMS:

St. Edward Court, LP, Compliance with Statement
of Benefits, Referencing R-00-03

Mr. Schmidt moved to approve, Mr. Price second, all voted in favor.

GTC Properties, LLC, Compliance with Statement
of Benefits, Referencing R-01-41

Mr. Coffey moved to approve, Ms. Crump second, all voted in favor.

Padgett, Inc., Compliance with Statement
of Benefits, Referencing R-97-03, R-98-05, R-02-25,
R-02-26, R-02-27

Mr. Coffey moved to approve, Mr. Blevins second, all voted in favor.

John W. and Alice B. Garrett, Compliance with Statement
of Benefits, Referencing R-93-08

Mr. Blevins moved to approve, Mr. Seabrook second, all voted in favor.

Robert & Beverly McDonald, LLC d/b/a McDonald
Marble & Stone, Inc., Compliance with Statement
of Benefits, Referencing R-01-10, R-03-40

Mr. Messer moved to approve, Mr. Crump second, all voted in favor.

Jesse Ballew, Compliance with Statement
of Benefits, Referencing R-00-30A and R-00-30B

No representative was present so this item was tabled.

COMMUNICATIONS – PUBLIC:

Shirley Baird, 27 High Park, addressed the council regarding TIF funds and stated that on WNAS the Mayor stated that TIF funds could be used to repair sewers and she believes that this is a wonderful idea.

Margaret Schroeder, 18 Martin Drive, spoke on behalf of her neighbors and stated that there is a drainage problem behind the hospital that needs to be looked into. She added that at 5, 6, 7 and 8 Martin Drive there is property erosion and one lady has lost 6 feet of her property due to that erosion.

Mr. Gahan asked Ms. Schroeder if she had talked with her council person.

Mr. Coffey stated that this is the first that he has heard of this and asked if anyone has talked with the hospital.

Mr. Schroeder stated that she has talked with several people with the city, state and the hospital. She also presented pictures for the council to review.

There was a lengthy discussion regarding what is being pumped into the creek and the level of erosion that it is causing.

Mr. Coffey stated that there is not supposed to be anything pumped into the creek and that they had just recently passed an ordinance raising the fees for that to keep them from doing it. He also stated that he is surprised that someone from the Board of Works has not been right on that.

Mr. LaDuke stated that as a Board of Works member, this is the first time he has ever heard of this problem.

Mr. Rosenbarger stated that the Plan Commission has contacted the hospital because they are not meeting the requirements of their PUD. He stated that they should also contact IDEM or the health department regarding the discharge into the creek.

Denise Bush, 6 Martin Drive, stated that a lot of the pictures that were taken are of her yard. She asked Mr. Coffey if he would come out to her property. She stated that she has witnessed asphalt being poured out in the creek.

Mr. Coffey expressed his concern with this issue and would be looking into it right away.

COMMUNICATIONS – CITY OFFICIALS:

Paul Wheatley addressed the board regarding a resolution for Project 2000SI and introduced Jenny Hennebrenner and stated that she would explain the program when the resolution was introduced.

Mr. Schmidt stated that he sees that they are using a Caesar's grant for it and asked if they are applying for other grants for funding.

Mr. Wheatley replied that they are applying for other grants and that Ms. Hennebrenner could explain those.

There was a lengthy discussion regarding the funding of this project out of the River Boat Funds and other projects that will need to be funded.

Tony Wolf, New Albany Firefighters Union, spoke regarding the hire policy that is currently on the table. He stated that they are backing this system where candidates are hired and promoted according to their skills and abilities.

Mr. Coffey stated that he was originally for this but he heard that the four people that would be hired were all political and that’s why he has to say no. He added that he is hoping that people will start doing the things that are right because we can’t continue to go on this way.

Mr. Messer asked Mr. Wolfe if he has a problem with the present hiring procedure.

Mr. Wolfe replied that he feels that the present procedure is lacking and explained why.

SEWER BOARD REPORT:

Mr. Kochert moved to push the sewer report until Greg Fifer was in attendance, **Mr. Blevins** second, all voted in favor.

COMMUNICATIONS – MAYOR:

Mayor Garner stated that he and Greg Fifer would be going to Washington trying to get a resolution from EPA and to ask for some assistance to put pressure on them to give us a resolution out of Chicago. He added that next week the Sewer Board will be going to Chicago to meet with the district office which makes the decisions for the Sewer Board. He stated that next week at the meeting they will have some information from Indiana American regarding a billing issue that we have had with them. He reported that they have offered to write us a check for \$203,000.00 for billing issues that go back to March, 2004.

Mr. Schmidt shared information that he received at the Indiana Cities and Towns Convention in January. He gave each council member a copy for their personal use.

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: **READING**

R-06-02	Resolution to Fund STUDIO2000SI	Price
---------	---------------------------------	-------

Mr. Price stated that he would like to get some input from the other members before he introduces it because he may want to table it.

Mr. Price introduced R-06-02 and motioned for the reading by title only, **Mr. Seabrook** second.

Jenny Hennebrenner presented handouts to the council explaining the program. She explained the program in detail and stated that it gives students an opportunity to explore their artistic talent.

There was a lengthy discussion regarding the funding and the need to look for other funding.

Mr. Price moved to table, **Mr. Schmidt** second, all voted in favor.

R-06-03	A Resolution Declaring an Emergency Requiring the Temporary Transfer of Funds for a Prescribed Period To a Depleted Fund for Cash Flow Purposes Only	Schmidt
---------	--	---------

Mr. Schmidt introduced R-06-03 and motioned for the reading by title only, **Mr. Kochert** second, all voted in favor.

Mr. Kochert asked if we could hear from Mr. Fifer at this time regarding a sewer report.

Mr. Fifer reported on the credit situation and explained how they are trying to put together a process to move forward that would give us some credits and once approved provide a Consent Decree so that we would have a rational basis demonstrating that the system that we built works and ending federal oversight at some point and time. He was

told informally that was a workable draft and they have been waiting ever since then to get an allocation of credits. He added that he received a phone call from their attorney right before Christmas who expressed frustration because they had to send up in two different tracts to the Federal Government; one to the EPA in Washington and one through to the Justice Department and had to get everyone to agree so that was what was holding things up. He stated that the attorney told him that he thought that they would give us credits but that now since we are doing the bar screen project, they might hold the credits until that project is completed. He added that once the upgrades on the Robert E. Lee lift station that goes into Georgetown is completed, we would get another chunk of credits and then receive the third chunk one year after the bar screen project is completed. He then explained in detail where we are with Georgetown.

Mr. Seabrook added that it can be stressed enough that basically this is a choke hold on the city of New Albany because if we don't get the credits, there is no way we can pay the bills.

There was a lengthy discussion regarding what was done in the past to establish the rate for sewer services and projects that still need to be completed. Also, the issue of whether or not the bond attorneys were given the correct and accurate information to establish the rate.

Mr. Kochert moved to take a five minute break, Mr. Seabrook second, all voted in favor.

The council recessed at 8:56 p.m.

The meeting reconvened at 9:02 p.m.

A-06-01	An Ordinance Amending Ordinance No. A-05-46 Setting Salaries for the Year 2006 for Non-Bargaining Unit Employees	Coffey 1
---------	--	----------

Mr. Coffey introduced A-06-01 and motioned for the first reading by title only, Ms. Crump second, all voted in favor.

G-06-02	Stormwater Illicit Discharge Control Ordinance	Kochert 1
---------	--	-----------

Mr. Kochert introduced G-06-02 and motioned for the first reading by title only, Mr. Seabrook second, all voted in favor.

Mr. Gahan asked about the establishment of a permanent board.

There was a lengthy discussion regarding the deadlines for the different sections of the plan and how soon a permanent board could be put into place.

Mr. McCormick explained how this ordinance, if passed, could help with the situation on Martin Drive with the hospital. He also explained the ordinance in detail and how this it will give the city more options and opportunities to make sure all property owners are being responsible.

G-06-03	Urban Construction Site Runoff Control Ordinance	Seabrook 1
---------	--	------------

Mr. Seabrook introduced G-06-03 and motioned for the first reading by title only, Ms. Crump second, all voted in favor.

Z-06-03	An Ordinance for the Vacation of an Existing Drainage And Utility Easement Pursuant to a Petition Filed by Jesse Ballew	Crump 1
---------	---	---------

Ms. Crump introduced Z-06-03 and motioned for the first reading by title only, Mr. Coffey second.

Mr. Rosenbarger explained that no representative was present and that he wasn't sure why they needed the vacation. He added that Mr. Ballew may have a valid reason for the vacation but without a representative present to explain, they don't know why it is needed.

Ms. Crump tabled because there was no representative present.

Z-06-04 An Ordinance for the Vacation of an Existing Drainage Crump 1
 And Utility Easement Pursuant to a Petition filed by
 Butch Shaw. Z-06-04 ordinance Z-06-04

Mr. Coffey moved to suspend the rules and have all three readings, Mr. Price second, all voted in favor.

Mr. Crump introduced Z-06-04 and motioned for the first reading by title only, Mr. Coffey second, all voted in favor.

G-04-20 An Ordinance to Amend Section 32-80 of the Code of Coffey 3
 Ordinances: The New Albany Fire Department
 Candidate Selection Act.

Mr. Coffey introduced A-06-01 and motioned for the third reading by title only, Mr. Price second,

Mr. Gahan explained that there was a fair amount of work put into this but weren't able to come up with something to satisfy the Council. He stated that it came to a grinding halt last year and since they need to clean up last year's business he feels that it needs to be addressed again.

Tony Wolf stated that it is a change that needs to happen.

There was a lengthy discussion regarding the percentages and whether or not this is a fair method of hiring.

Mr. Coffey motioned to table, Mr. Price second, 4 ayes and 4 nays, therefore the motioned did not carry due to lack of majority vote.

Mr. Gahan decided to send this issue to committee and Mr. Kochert, Mr. Seabrook, Mr. Coffey, Mr. Blevins were named committee and Mr. Coffey will chair.

Mr. Coffey stepped down from the Solid Waste Board and nominated Mr. Schmidt to the board, Mr. Kochert second, all voted in favor.

ADJOURN:

There being no further business before the board, the meeting adjourned at 10:04 p.m.

Jeff Gahan, President
Common Council, City of New Albany

ATTEST: _____
 Marcey J. Wisman, City Clerk